

## QUESTION NO. 3

### Amendment to the Nevada Constitution

Assembly Joint Resolution No. 17 of the 68th Session

### CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to allow the Legislature to designate locations in the county other than the county seat for holding terms of the district court?

Yes ..... ☐  
No ..... ☐

### EXPLANATION

The Nevada Constitution divides the State into judicial districts based on counties, and authorizes the Legislature to alter, divide, increase, or decrease districts. Currently, there are nine judicial districts throughout the State, some of which encompass more than one county. The districts vary in number of square miles and population.

The Nevada Constitution requires that the district court for each county be located at the county seat. An exception is provided for the Legislature to designate the places for holding court if the county is divided into two or more districts. To date, counties have been combined to form districts, but not divided. Each county is responsible for the cost of establishing and operating the district court at the county seat. Depending upon the number of judges within each district, which is determined by the Legislature, judges may be required to divide their time between the county seats. In the Seventh Judicial District, for example, the two judges are responsible for holding court at the three county seats within the district.

The proposed amendment to the Nevada Constitution authorizes the Legislature to designate the places in the county at which the district court may be located, regardless of whether the county is divided into more than one district. If the Legislature does not designate the locations, the district court is held at the county seat.

### ARGUMENTS FOR PASSAGE

In Nevada's larger counties, the county seat is several hundred miles away from many of the county's residents, and individuals must travel great distances to participate in court proceedings as plaintiffs, defendants, witnesses, and jurors. For example, the Seventh Judicial District includes the counties of Eureka, White Pine, and Lincoln and covers an area of approximately 23,688 square miles. The population within this district is approximately 16,000 people. In comparison, the Eighth Judicial District is comprised only of Clark County, which is an area of approximately 7,911 square miles with a population of approximately 1,116,000 people.

The proposed amendment to the Nevada Constitution would allow the Legislature to designate locations for holding court that are more con-

venient than the county seat. By authorizing other locations within the county for holding court, the proposal also may reduce certain costs associated with court cases that are incurred by the county and parties to a proceeding, such as the travel expenses for jurors and witnesses.

**A "Yes" vote would authorize the Legislature to designate places other than the county seat for holding the district court.**

### ARGUMENTS AGAINST PASSAGE

The district court should remain at the county seat where other governmental agencies are located and the court records are maintained. In addition, because Nevada law requires each county to pay for the costs associated with the district court within its jurisdiction, designating additional locations for court hearings could increase the cost to the counties for maintaining the district courts if such additional cost is not outweighed by the cost savings to the court.

**A "No" vote would retain the constitutional prohibition against designating places other than the county seat for holding district court, unless the county is divided into more than one district.**

### FISCAL NOTE

**Financial Impact - Cannot be determined.** The proposal to amend the Nevada Constitution would allow the Legislature to designate locations in counties other than the county seat for holding terms of the district court. Although the counties would incur the cost of providing facilities for holding terms of the district court, the fiscal effect would be determined by subsequent actions of the Legislature and the counties.